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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRUCE BIRCH,

Plaintiff,

vs.

PAM DEL PORTO,

Defendants.

Case No. 3:19-cv-00043-MMD-CLB

**DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO FILE
DISPOSITIVE MOTIONS**

Defendant, Pamela Del Porto, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Court for an extension of time to file dispositive motions. This Motion is made and based upon Federal Rules of Civil Procedure 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Defendant respectfully requests an extension of time out from the current deadline (**July 8, 2020**) to file dispositive motions in this matter. Defendant is in the process of preparing a Motion for Summary Judgment in this matter. This motion requires multiple declarations to various employees of the Nevada Department of Corrections. In addition, Counsel is working from home, and email is critical to provide the draft motion and exhibits to staff for format and filing. On July 8, 2020, there has been an outage of the email server serving the Office of the Attorney General. Many of the emails sent to the NDOC and back and forth between counsel

1 and his office have bounced back and not gone through. This appears to be an issue with the
 2 Outlook server used by this office. As a result, the Motion for Summary Judgment is not ready
 3 to file. Therefore, it is requested that this Court grant the parties additional time, until **July 15, 2020**
 4 to file dispositive motions.

5 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
 7 for good cause, extend the time: (A) with or without motion or notice if
 8 the court acts, or if a request is made, before the original time or its
 extension expires; or (B) on motion made after the time has expired if the
 party failed to act because of excusable neglect.

9 Defendant's request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a
 10 thorough opportunity to brief and file a dispositive motion. The requested extension of time should
 11 permit the Defendant time to adequately research, draft, and submit a well briefed dispositive motion in
 12 this case. Defendant asserts that the requisite good cause is present to warrant the requested extension
 13 of time.

14 In addition, in light of the current state of emergency, the Office of the Attorney General has
 15 transitioned to alternate, home based working arrangements. The issue with email is, therefore, more
 16 critical. The additional time will allow this office to complete the motion and file it appropriately.
 17 Therefore, the Defendants request additional time, up until Wednesday, July 15, 2020, to file a
 18 dispositive motion.

19 DATED this 8th day of July, 2020.

20 AARON D. FORD
 21 Attorney General

22 By: /s/ Douglas R. Rands
 23 DOUGLAS R. RANDS, Bar No. 3572
 24 Senior Deputy Attorney General

25 *Attorneys for Defendants*

26 **IT IS SO ORDERED**

 27 **U.S. MAGISTRATE JUDGE**

28 **DATED** July 9, 2020

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on this 8th day of July, 2020, I caused a copy of the foregoing, **DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Bruce Birch #61203
Care of ESP Law Librarian
Ely State Prison
P.O. Box 1989
Ely, NV 89301
esplawlibrary@doc.nv.gov

/s/ Laure Penny
An employee of the
Office of the Attorney General